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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,324	09/16/2003	Tetsuya Kanekon	030192A	9165
38834 7590 08/14/2007 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER LOFTUS, ANN E	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/662,324	Applicant(s) KANEKON, TETSUYA	
	Examiner Ann Loftus	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Foreign Priority of 9/20/02 is claimed from Japanese Patent 2002-275073. A certified copy is present in the case file, but no translation.

Specification

2. The title of the invention, "System Use Support Method, and Server and Program Therefor" is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. A better title would indicate a few of the main concepts of the invention. Words such as a mobile, portable, online payment, or parking would make it easier for a searcher to infer the relevance of the specification from the title.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1, 2, 8, 9, 12- 17, the phrase "by a predetermined time" is not clear. If the predetermined time is New Year's of 2010, then do all the bills have to go out by then? Or if the predetermined time is 5:00 pm, do all the bills have to go out by then? If

a predetermined time period is meant, perhaps language such as "billed in predetermined increments of time" would clarify. On current standard US parking meters, both the increment of time (a nickel's worth) and the total time (often two hours) are predetermined. So perhaps billed "for up to a predetermined total time" is the intended meaning. The verb bill is also misleading, as no bill is sent for the user's approval. Current US parking meters are pre-paid, thus there is no billing. Perhaps "charging" is closer to the intended meaning, and that would cover payment before or after the usage. Or if the action is user instigated, then "paying" might suit.

As to claim 3, the term "front-end payment system" is unclear. A system front-end is usually the interface seen by users. Does it refer to the system user interface?

As written, the metes and bounds of the claims are unclear, and therefore the claims and their dependent claims are rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, and 8-17 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 200163563 A1 (published 8/30/2001), to Silberberg.

As to claims 1, 8, 12, and 17, Silberberg teaches in paragraph 23 page 2 a communications process unit performing a communicating process and a system of

billing a user by a predetermined time through a network; Silberberg teaches a user device in communication with the system in paragraph 10 page 1. Silberberg teaches billing a user by a predetermined time in paragraph 23 page 2. Silberberg teaches in paragraphs 33-41 on page 2 performing a payment by communicating with the system of billing a user by a predetermined time and obtaining charge information from the system through the network. A payment process unit is inherent if the function is present.

As to claims 2, 9, and 13, in paragraph 26 page 2 and paragraph 52 page 3, Silberberg teaches obtaining current use information from the system of billing a user by a predetermined time according to recorded information transmitted in advance from the user device or at a request from the user device, and transmitting the obtained use information to the user device.

As to claim 3, In paragraph 23 page 2 Silberberg teaches payment is made in a front-end payment system for a predetermined time. In paragraph 26 page 2 and paragraph 52 page 3, Silberberg teaches a message is transmitted to the user device at any time before the predetermined time elapses.

As to claims 4, 5, 10 and 11, in the abstract Silberberg teaches a system of billing a user by a predetermined time is a parking meter, and the charge is a parking charge for use of the parking meter.

As to claims 14, 15, and 16, Silberberg teaches in paragraph 23 and 47 page 2, a communications process unit performing a communicating process with a user device through a network. Silberberg teaches in paragraph 52 page 3 an information providing

unit obtaining use information about a user who uses a system of billing a user by a predetermined time, determining a transmission timing of a message according to the obtained use information and transmitting the message to the user device through the network with the transmission timing, and (paragraphs 33-41 on page 2) a payment unit for making a payment at a payment request from the user device.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silberberg, and further in view of US Patent Application 20020032601 filed 25 Apr 01 by Admasu.

As to claim 6, obtaining an address of a system is inherent in communication with the system. Note that systems use network addresses as opposed to physical addresses. Silberberg in paragraph 21 pages 1 and 2, teaches obtaining use information from the system at the address. Silberberg teaches in paragraphs 33-41 on page 2 adjusting a charge or providing information. Silberberg does not specifically teach transmitting an identification number of a system of billing a user by a predetermined time and user information from a user device. Admasu teaches in paragraph 42 page 4 transmitting an identification number of a system of billing a user

by a predetermined time and user information from a user device. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Silberberg to transmit an identification number of a system of billing a user by a predetermined time and user information from a user device in order to uniquely identify the parking spot.

As to claim 7, in the abstract Silberberg teaches a system of billing a user by a predetermined time is a parking meter, and the charge is a parking charge for use of the parking meter.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Patent Application No. 20040039632 by Han, US Patent No. 5210786 and 5280521 by Itoh, and US Patent no. 7248855 by Joyce.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Loftus whose telephone number is 571-272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL
8/8/07


ELLA COLBERT
PRIMARY EXAMINER